

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10486 OF 2019

RAMDAS SURYABHAN KHADE

...PETITIONER

VERSUS

THE CHIEF ELECTION COMMISSIONER
AND OTHERS

...RESPONDENTS

Mr. U.L. Talegaonkar, Advocate for Petitioner
Mrs. A.V. Gondhalekar, Additional Government Pleader for
Respondents-State

**CORAM : S.V. GANGAPURWALA AND
ANIL S. KILOR, JJ.**

DATE : 26th AUGUST, 2019

ORAL ORDER:

1. The matter does not appear to be bona fide.
2. We have heard the learned Counsel for the petitioner.
- 3.. The learned Advocate submits that the respondent No.5 is in employment with the Society. One Vijay Karbhari Kolhar is indulging in political activity though in service with the respondent No.5 - Institution. The complaint has been filed to respondent No.5. The respondent No. 5 is not taking any action against him. The petitioner has filed complaint with the Election Commission. The Election Commission has also not taken action against him.

According to the learned Counsel, a person in employment with the private Institution receiving grant-in-aid cannot take part in political activity.

4. The person against whom action is sought to be taken, is not a party to the present proceedings. The Institution, where the said person is said to be serving, is also not a party to the present proceedings.

5. It is trite that no orders adverse to the interest of any party can be passed in absence of the party.

6. Moreover, in service jurisprudence, there cannot be any question of Public Interest Litigation. It is for the employer to consider its employees conduct.

7. In light of the above, we are not inclined to entertain the Writ Petition.

8. The Writ Petition is disposed of. No costs.

[ANIL S.KILOR]
JUDGE

[S.V.GANGAPURWALA]
JUDGE